

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID JAMES CUNNINGHAM,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security  
Administration,

Defendant.

Case No. 2:13-cv-02025-LDG (GWF)

**ORDER**

The plaintiff, David James Cunningham, brought this matter seeking review of the final decision of the Commissioner denying his application for a period of disability and disability benefits. Cunningham moves to reverse the decision and remand for either an immediate award of benefits or, alternatively, for a new hearing and further proceedings (#22), which motion he subsequently amended (#25).<sup>1</sup> The Commissioner opposes the motion and further moves to affirm the decision (## 23, 24).

The Court referred this matter to the Magistrate Judge for a report of findings and a recommendation, which the Magistrate Judge entered (#33). The Magistrate Judge

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<sup>1</sup> The amended motion consisted of a *de minimus* correction, and was not opposed by the Commissioner.

1 recommends that Cunningham's motion be denied, and that the Commissioner's motion be  
2 granted. The Magistrate Judge further notified the parties that any objection to the Report  
3 and Recommendation was to be made in writing and filed within fourteen days. Neither  
4 party has filed objections.

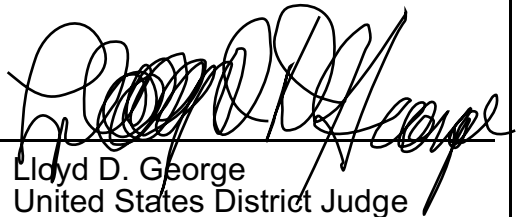
5 Having reviewed the motions and memoranda, the record, and the Report and  
6 Recommendation,

7 THE COURT **ADOPTS** the Report and Recommendation (#33);

8 THE COURT **ORDERS** that plaintiff David James Cunningham's Motion for  
9 Reversal and Remand (#22, 25) is DENIED;

10 THE COURT FURTHER **ORDERS** that defendant Commissioner of Social Security  
11 Administration's Cross-Motion to Affirm (#24) is GRANTED.

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13 DATED this 5 day of May, 2016.

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16 Lloyd D. George  
17 United States District Judge  
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